UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

DENNIS O'BRIEN, and wife KAYE O'BRIEN Plaintiffs, * **CIVIL ACTION NO: 2:12CV0117** v. * **NEW ENGLAND COMPOUNDING** * * PHARMACY, INC. d/b/a NEW ENGLAND JUDGE SHARP **COMPOUNDING CENTER (NECC);** * MEDICAL SALES MANAGEMENT, INC; **AMERIDOSE, LLC;** GREGORY CONIGLIARO, individually and * d/b/a the above named business organizations; * BARRY CADDEN, individually and d/b/a the above named business organizations; * LISA CONIGLIARO CADDEN, individually * and d/b/a the above named business * organizations: CARLA CONIGLIARO, individually and d/b/a the above named business organizations; and DOUGLAS CONIGLIARO, individually and * d/b/a the above named business organizations; * Defendants.

PLAINTIFFS RESPONSE TO MOTION FOR ENLARGEMENT OF TIME IN WHICH TO FILE RESPONSIVE PLEADINGS

Come now Plaintiffs in Response to the Motion for Enlargement of Time in Which to File Responsive Pleadings state to the Court as follows:

1. This court has already allowed the Defendants an enlargement of time to file responsive pleadings in the above action. Defendant's moved the court for an enlargement on December 21, 2012 (Document 10), and the court granted said motion allowing the Defendants until January 18, 2013 (Document 12) a period of an additional four weeks.

2. Defendants note that an initial Case Management Order is due by February 4, 2013

(Document 3). However, until Plaintiffs have *all* Defendants' responsive pleadings, it

would not be possible for the parties counsel to conform properly to Local Rule 16.01 (d)

in order to prepare and file a proposed case management order which would be due no

later than January 28, 2013.

3. The fact that the United States Judicial Panel on Multidistrict Litigation is scheduled for

January 21, 2013 does not mean that any action would be taken regarding movants,

Defendant Medical Sales Management, Inc. and/or the individually named Defendants.

4. Plaintiffs do not agree that Defendants need additional time in order to file responsive

pleadings as they have already been granted four additional weeks in.

5. Should the court grant Defendant's Motion for Enlargement of time, that the Court also

move the Case Management Conference to a date after which Plaintiffs would of have an

opportunity to examine all Defendants' Responsive Pleadings and properly evaluate the

necessary time estimated to prepare the case for trial.

WHEREFORE, Plaintiffs request the court to deny Defendant's Motion for

Enlargement of Time to File Responsive Pleadings and order them to immediately file

appropriate Responsive pleadings.

Date: January 21, 2013.

Respectfully submitted, MIKE WALKER

/s/Mike Walker

Mike Walker (BPR # 011175)

Attorney for Plaintiff

5511 Edmondson Pike; Suite 203

Nashville, Tennessee 37211

(615) 832-2150

(615) 833-5394 Fax

mike@lawmike.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Jim A. Beakes, Esq.
Counsel for Defendant Ameridose, LLC
Buttler, Snow, O'Mara, Stevens & Cannada, PLLC
1200 One Nashville Place
150 Fourth Avenue, North
Nashville, TN 37219-3422

Brigid M. Carpenter
Carrie W. McCutcheon
Counsel for Defendant Medical Sales Management, Inc. &
Individually Named Defendants
Baker Donelson Center, Suite 800
211 Commerce Street
Nashville, TN 37201

Emily T. Landry Quinn N. Carlson Counsel for Defendant Medical Sales Management, Inc. & Individually Named Defendants First Tennessee Building, 20th Floor 165 Madison Avenue Memphis, TN 38103

This 21st day of January, 2013.

/s/Mike Walker	
Mike Walker	